

REMARKS

Claims 15-19 and 22-26 are rejected under 35 USC 102(a) as being anticipated by Tseng et al. (PGPUB: US 2004/0199693)

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Applicant points out that 35 USC 102(a) states:

A person shall be entitled to a patent unless –

10 (a) the invention was **known or used by others in this country**, or patented or described in a **printed publication** in this or a foreign country, before the invention thereof by the applicant for a patent.

(emphasis added)

15 Referring to the foreign priority papers, the attached translation, and the certified statement submitted via applicant's previous communication dated 02/15/2007, the applicant respectfully points out that the present application claims foreign priority of a Taiwan application filed on 02/27/2003. Therefore, the date of invention for the present patent application is proven to be at least Feb. 27, 2003, which precedes the filing of Tseng's U.S. patent application on Jul. 16, 2003, the publication of Tseng's U.S. patent application on Oct. 7, 2004, and filing of the counterpart foreign patent application on Mar. 14, 2003 (foreign priority date of Tseng's U.S. patent application).

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Note is made by applicant that MPEP section 2123 states, "'Known or Used' Means **Publicly** Known or Used" *(emphasis added)*. However, Tseng's foreign application priority data gives no evidence showing that the disclosure of Tseng et al. was publicly known or used in the United States prior to the invention by the applicant

25 for patent. Instead, as the cited reference is a published U.S. patent application, the disclosure of Tseng et al. was known or used in the United States when the cited reference, U.S. patent publication No. 2004/0199693, was accessible to the public on

its publication date (10/07/2004).

Since the priority date (02/27/2003) of the Taiwan application for the present invention is earlier than the publication date (10/07/2004) of Tseng et al. (U.S. patent publication No. 2004/0199693), the applicant believes that the cited Tseng reference
5 is not a valid reference available as prior art under 35 U.S.C. 102(a).

For at least this reason, the applicant asserts that the present application claims 15-19 and 22-26 should not be rejected under 35 USC 102(a) as being anticipated by Tseng et al. and respectfully requests that a timely Notice of Allowance be issued in this case.

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Sincerely yours,



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20 Note: Please leave a message in my voice mail if you need to talk to me. (The time in D.C. is 12 hours behind the Taiwan time, i.e. 9 AM in D.C. = 9 PM in Taiwan.)